

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.3121 of 2006

DATED: 20.02.2006

Between:

1. Vetti Chinna Venkataiah and others Petitioners

AND

1. The Registrar, Co-operative Societies

Chittoor, Chittoor District and others Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.3121 of 2006

ORDER:

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The writ petition is fundamentally misconceived.

The petitioners claim to be the members of the Kaduru Primary Agricultural Co-operative Society, Kaduru Village, Varadayapalem Mandal, Chittoor District. They assert that they have stored their paddy stocks in the Society godowns. Thereafter, without any notice or opportunity to the petitioners and without any reason, the society is not only out to removed all the paddy bags but is also insisting that the petitioners removed all their paddy stocks from the godown. The petitioners claim to belong to weaker sections including schedule castes and allege that the 2nd respondent-Society is acting arbitrarily, contrary to the rights as the members and their entitlement under the bye-laws of the Society to store the paddy stocks in the Society godowns.

Essentially and in any which way, the grievance presented in this writ petition is a grievance between the members and the Co-operative Society concerned. Such grievance is more appropriately amenable to resolution before the Registrar under the provision of Section 61 of the Andhra Pradesh Co-operative Societies Act, 1964. The 2nd respondent-Society is neither pleaded or urged nor established to be a State or an Instrumentality of the State within the meaning of the Article 12 of the Constitution and the bye-laws of the said Society are not statutory instruments; the conduct of the 2nd respondent-Society nor any transgression of its bye-laws by the said Society constitute a dispute or a conduct amenable to adjudication under Article 226 of the Constitution.

For the aforesaid reason, the writ petition is dismissed. Petitioners are however, at

liberty to pursue appropriate remedies under the provisions of the A.P. Co-operative Societies Act, 1964. Under the circumstances, no order as to costs.

20th February, 2006

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